

IN THE SENATE

SENATE BILL NO. 1345

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FENCES; AMENDING SECTION 35-301, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CARELESS EXPOSURE OF BARBED WIRE; AMENDING SECTION 35-302, IDAHO CODE, TO REVISE PROVISIONS REGARDING A NOTICE TO OWNER; AMENDING SECTION 35-303, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN OWNER'S LIABILITY AFTER NOTICE; AMENDING SECTION 35-305, IDAHO CODE, TO REVISE PROVISIONS REGARDING PENALTIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 35-301, Idaho Code, be, and the same is hereby amended to read as follows:

35-301. CARELESS EXPOSURE OF BARBED WIRE UNLAWFUL. It shall be unlawful for any person, occupant, owner, firm, or corporation, ~~who, having who has~~ barbed wire or barbed wire fences, ~~to allow the same to be left down or strewn around on the ground or in disrepair in such a manner that livestock are liable to be injured thereby: provided, however, that no person, firm or corporation shall be liable for barbed wires left down or strewn about where the same are not so exposed that there is danger of injury to animals running at large~~ and under circumstances or conditions likely to injure livestock.

SECTION 2. That Section 35-302, Idaho Code, be, and the same is hereby amended to read as follows:

35-302. NOTICE TO OWNER. It shall be the duty of any ~~person,~~ sheriff, deputy sheriff, constable or policeman having knowledge by written notice or otherwise that any ~~said~~ barbed wire or barbed wire fence is ~~so~~ down or strewn on the ground or in disrepair to give notice either verbally or otherwise to such person, occupant, owner, firm, or corporation that said barbed wire or barbed wire fence is so down or strewn on the ground or in disrepair.

SECTION 3. That Section 35-303, Idaho Code, be, and the same is hereby amended to read as follows:

35-303. OWNER'S LIABILITY AFTER NOTICE. It shall be unlawful for aAny person, occupant, owner, firm, or corporation who, after knowing by his own knowledge or by receiving such notice as provided in section 35-302, shall Idaho Code, to fail to ~~remove same~~ correct the violation within ~~ten~~ seven (107) days after such notice, and such person, occupant, owner, firm, or corporation shall be subject to the ~~finer contained herein~~ penalties as provided in this chapter.

SECTION 4. That Section 35-305, Idaho Code, be, and the same is hereby amended to read as follows:

1 35-305. PENALTY. Any person, occupant, owner, firm, or corporation
2 violating any of the provisions of this chapter for the first time shall be
3 deemed guilty of a misdemeanor and on conviction thereof shall be fined in
4 any sum not less than five dollars (\$5.00) or more than twenty-five dollars
5 (\$25.00), in the discretion of the court to have committed an infraction and
6 shall be fined in the amount of one hundred fifty dollars (\$150). Any per-
7 son, occupant, owner, firm, or corporation violating the provisions of this
8 chapter for a second time within five (5) years of a first violation shall
9 be deemed to have committed an infraction and shall be fined in an amount of
10 up to three hundred dollars (\$300). Any person, occupant, owner, firm, or
11 corporation violating the provisions of this chapter for a third time within
12 five (5) years of a previous violation shall be deemed to have committed a
13 misdemeanor.

14 SECTION 5. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after
16 July 1, 2022.